

<b>REPORT TO:</b>	<b>PLANNING COMMITTEE</b>	<b>AGENDA ITEM: 6</b>
<b>DATE OF MEETING:</b>	<b>15<sup>th</sup> DECEMBER 2020</b>	<b>CATEGORY:</b> <b>Delegated</b>
<b>REPORT FROM:</b>	<b>HEAD OF PLANNING AND STRATEGIC HOUSING</b>	
<b>MEMBERS' CONTACT POINT:</b>	<b>KATIE MORIARTY</b> <a href="mailto:katie.moriarty@southderbyshire.gov.uk">katie.moriarty@southderbyshire.gov.uk</a>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>SECTION 106 VARIATION AT LAND TO THE REAR OF 53 AND 67 WOODVILLE ROAD, HARTSHORNE</b>	<b>REF: 9/2018/0709</b>
<b>WARD(S) AFFECTED:</b>	<b>WOODVILLE</b>	<b>TERMS OF REFERENCE:</b>

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## **1.0 Recommendations**

- 1.1 That the Committee approves the request to amend the existing Section 106 Agreement (S106) by means of a Deed of Variation (DoV). This request for a DoV comes as a result of a current application DMPA/2020/1088 submitted under Section 73 of the Act to vary conditions originally imposed on the appeal decision approving application 9/2018/0709.

## **2.0 Purpose of Report**

- 2.1 To inform the Committee of the proposed changes to include reference to application DMPA/2020/1088.

## **3.0 Background**

- 3.1 Members may recall that the site was granted planning permission in July 2017 under appeal reference APP/F1040/W/17/3167838 for the erection of up to 14 dwellings. This was later varied under application 9/2018/0709 for the removal of condition 9 of the original permission also approved at appeal under reference APP/F1040/W/18/3216847, which related to affordable housing provision at the site.

## **4.0 Discussion**

- 4.1 The inclusion of reference to the most recent application DMPA/2020/1088 would ensure beyond doubt ensure that all contributions required by application 9/2018/0709 would be included and enforceable should the amended application DMPA/2020/1088 be approved and implemented.

## **5.0 Financial Implications**

- 5.1 There are no financial implications associated to the Council for this change as the DoV will be completed by our existing internal resource.

## **6.0 Corporate Implications**

- 6.1 The proposed changes would ensure that all obligations defined under the Section 106 for application 9/2018/0709 would be continued to application DMPA/2020/1088.

## **7.0 Community Implications**

- 7.1 There would be no implications to the local community as a result of the proposed DoV.

## **8.0 Background Information**

- a. Section 106 Agreement:

<https://planning.southderbyshire.gov.uk/ApplicationDetail.aspx?Ref=9/2018/0709>